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November 9, 2007

BY E-FILE

The Honorable Joseph J. Farnan, Jr.
United States District Court, District of Delaware
844 North King Street
Wilmington, DE 19801

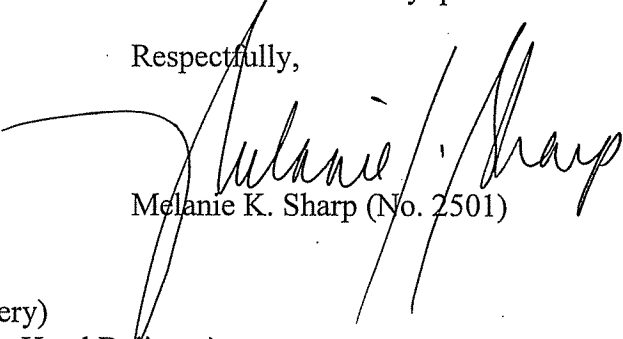
Re: *NICE Systems, Inc. and NICE Systems, Ltd. v. Witness Systems, Inc.*
C.A. No. 06-311 (JJF)

Dear Judge Farnan:

I write on behalf of my clients, Plaintiffs NICE Systems, Inc. and NICE Systems, Ltd. (collectively, "NICE") and on behalf of Defendant, Witness Systems, Inc. ("Witness"), represented by William Marsden, Esquire, to transmit the attached November 8, 2007 Revised Joint Claim Construction Chart which has been agreed upon by all counsel of record.

Obviously counsel is available should Your Honor have any questions.

Respectfully,


Melanie K. Sharp (No. 2501)

MKS

cc: Clerk of the Court (by Hand Delivery)
William J. Marsden Jr., Esquire (by Hand Delivery)

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

I. CLAIM CONSTRUCTION AGREED TO BY THE PARTIES

NICE Systems Inc. and Witness Systems Inc. agree to the proposed construction for the following claim terms:

PATENT	RELEVANT CLAIM	CLAIM TERM	PROPOSED CONSTRUCTION
U.S. No. 5,396,371	Claim 8	partition	A portion of a random access storage (RAS) device.
U.S. No. 6,249,570	Claims 6 and 7	telephone call segments	Portions of a telephone call that are each bounded by telephony events.
U.S. No. 6,249,570	Claims 6 and 7	telephone call segment	Portion of a telephone call that is bounded by telephony events.
U.S. No. 6,249,570	Claims 6 and 7	lifetime of the telephone call	An entire telephone call.
U.S. No. 6,249,570	Claim 7	real-time link	A data link providing data regarding telephony events during the call at the occurrence of each telephony event
U.S. No. 6,728,345	Claims 14 and 40	telephone call segments	Portions of a telephone call that are each bounded by telephony events.
U.S. No. 6,728,345	Claims 14 and 40	telephone call segment	Portion of a telephone call that is bounded by telephony events.
U.S. No. 6,728,345	Claims 14 and 40	lifetime of a telephone call	An entire telephone call.
U.S. No. 6,728,345	Claim 40	participant	An entity that is involved in a phone call which can include people, voice response units or placeholders from parties being placed on hold.
U.S. No. 6,785,370	Claims 1 and 27	lifetimes of telephone calls	Two or more entire telephone calls.
U.S. No. 7,010,109	Claim 1	communication device	A device used for transmitting and/or receiving audio and/or video information.
U.S. No. 7,010,109	Claim 1	conference call	A multi-participant session, even if only two participants are present, one of which is a recording device.
U.S. No. 7,010,109	Claim 1	participant	A communication device or recording device which is present on a conference call.

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There are 32 non-duplicative claim terms in need of construction by the Court. These disputed claim terms along with the parties' respective proposed construction and citation to intrinsic support are set forth below. The parties have jointly filed an appendix containing copies of the intrinsic and extrinsic evidence relied on by each party.

II. DISPUTED CLAIM TERMS AND PROPOSED CONSTRUCTIONS

U.S. PATENT NO. 5,396,371	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. In a method of storing and retrieving audio from a digital audio logger, the steps comprising:				
monitoring an audio source,				
storing audio data from the audio source in a buffer ,		buffer	Memory used for temporary storage of data. <u>Intrinsic evidence:</u> Abstract col. 2: 42 col. 2: 45-47 col. 3: 63-65	Device in communication with the digital audio tape and the random access storage device that temporarily stores data. <u>Intrinsic evidence:</u> '371 Patent, 1:47-54, 2:40-54, 3:63-68, Figure 1, Abstract (WSNSDE0008692-99). '371 Prosecution History, Amendment pg. 2, dated June 23, 1994 (WSNSDE0008667-70).
writing the audio data from the buffer onto a <u>digital audio tape</u> and a <u>random access storage device</u> , and	digital audio tape	digital audio tape	Tape used to store digital data. <u>Intrinsic evidence:</u> Abstract	Magnetic tape designed for storage of audio in digital form. <u>Intrinsic evidence:</u> '371 Patent, 1:50-53, 2:47-48, Figure 1 (WSNSDE0008692-99).
		writing the audio data from	NICE has provided constructions for "buffer" and "digital audio	Transferring audio data from the buffer directly to both a digital

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U.S. PATENT NO. 5,396,371	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		the buffer onto a digital audio tape and a random access storage device	tape." The remaining words have a plain meaning that is clear and do not require further construction. NICE notes that Witness has withdrawn "random access storage device" as a claim term in need of construction.	audio tape and a random access storage device simultaneously. <u>Intrinsic evidence:</u> '371 Patent, 1:50-53; 3:65-68, Abstract, Figure 1 (WSNSDE0008692-99), '371 Prosecution History, Amendment pg. 2, dated June 23, 1994 (WSNSDE0008667-70). '371 Prosecution History, Notice of Allowability pg. 2, dated September 19, 1994 (WSNSDE0008672-74)
retrieving audio from the random access storage device while audio data is written into the digital audio tape and the random access storage device.			<u>Intrinsic evidence:</u> See citations to intrinsic evidence for "buffer" and "digital audio tape."	
8. An audio data storage device, comprising:				

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 5,396,371	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
a random access storage device having a primary partition for storing audio data and a secondary partition for storing means for locating data on said primary partition and a pair of pointers in communication with said random access memory, a first of said pointers being operated to transmit data to said random access storage device and the second of said pointers being operative to retrieve audio data from said random access storage device.	pair of pointers		<p>Digital information used to read data from and write data to a storage component.</p> <p><u>Intrinsic evidence:</u> Fig. 1 col. 1: 55-68 col. 2: 48-54 col. 4: 1-20</p>	<p>Two pointers facilitating the simultaneous retrieval of data from the random access storage device and the writing of data thereto.</p> <p><u>Intrinsic evidence:</u> '371 Patent, Abstract, 1:55-67, 3:2-6, 4:20, 4:35-38 (WSNSDE0008692-99).</p> <p>'371 Prosecution History, Amendment pg. 3, dated June 23, 2004 (WSNSDE0008667-70).</p> <p>'371 Prosecution History, Notice of Allowability pg. 2, dated September 19, 1994 (WSNSDE0008672-74).</p>

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U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. A modular digital recording logger, comprising: a housing;				
at least two circuit modules in said housing for converting analog voice signals to digital voice signals, each of said circuit modules including at least two terminals for receiving said analog voice signals, each of said terminals being capable of receiving said analog voice signals for recording a two-way conversation;		circuit modules . . . for converting	<p>A packaged assembly of electronic components that converts analog voice signals to digital voice signals.</p> <p><u>Intrinsic evidence:</u> Figs. 1, 2 col. 1: 24-28 col. 2: 7-18 col. 2: 55-67 col. 3: 1-18 col. 4: 13-32 col. 4: 36-41 '005 Prosecution History, Appeal Brief, p. 3, 6 (Apr. 1995) '005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995) '005 Prosecution History, Office Action, p. 6 (Nov. 1995) '005 Prosecution History, Preliminary Amendment, pp. 7-12 (Mar. 1996) '005 Prosecution History, Office Action, pp. 2-5 (Aug. 1996)</p>	<p>Means for converting analog voice signals to digital voice signals.</p> <p><u>Intrinsic evidence:</u> '005 Patent, Fig. 1, 1:40-44, 2:7-18, 2:55-67, 3:1-6, 3:12-15, 4:54-56 (WSNSDE0008925-32).</p>

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
	analog voice signals		An electrical wave used to convey voice information. <u>Intrinsic evidence:</u> Figs. 1, 2 col. 1: 39-44 col. 2: 46-55 '005 Prosecution History, Appeal Brief, p. 6 (Apr. 1995) '005 Prosecution History, Preliminary Amendment, pp. 16-17 (Mar. 1996)	Plain language.
a circuit in said housing for compressing said digital voice signals received from each of said circuit modules to provide compressed voice data;		a circuit . . . for compressing	An assembly of electronic components that compresses digital voice signals. <u>Intrinsic evidence:</u> Figs. 1, 2 col. 1: 48-50 col. 2: 14-25 col. 3: 25-30 col. 4: 6-9 col. 4: 36-41 col. 4: 61-67 claim 8 claim 18 '005 Prosecution History,	Means for compressing that is separate from the means for converting analog voice signals to digital voice signals and contained within the same housing. <u>Intrinsic evidence:</u> '005 Patent, Fig. 1, 1:45-52, 2:15-19, 2:23-25, 3:15-22, 3:25-30, 4:30-32, 4:54-56 (WNSNDE0008925-32). '005 Prosecution History, Appellant Brief pg. 6, dated March 21, 1995 (WNSNDE0008764-72).

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			<p>Response, p. 4 (Aug. 1994)</p> <p>'005 Prosecution History, Amendment, p. 4 (Jan. 1995)</p> <p>'005 Prosecution History, Appeal Brief, p. 6 (Apr. 1995)</p> <p>'005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995)</p> <p>'005 Prosecution History, Reply Brief, pp. 2-6 (Aug. 1995)</p> <p>'005 Prosecution History, Office Action, p. 5 (Nov. 1995)</p> <p>'005 Prosecution History, Preliminary Amendment, pp. 7-12 (Mar. 1996)</p> <p>'005 Prosecution History, Office Action, pp. 2-5 (Aug. 1996)</p>	
a first bus in said housing for providing communication between said circuit module and said compressing circuit;				
a multiplexer circuit in said housing for providing communication between said compressing circuit and said first bus, wherein said multiplexer circuit multiplexes voice signals exchanged between said compressing circuit and				

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U.S. PATENT NO. 5,819,005	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
said circuit modules on said first bus; and				
a digital audio tape (DAT) drive for storing said compressed voice data.	digital audio tape		<p>Tape used to store digital data.</p> <p><u>Intrinsic evidence:</u> Figs. 1, 2 col. 1: 54-57 col. 2: 35-45 col. 3: 30 - col. 4: 5. '005 Prosecution History, Office Action, p. 3 (May 1994) '005 Prosecution History, Amendment, pp. 3-4 (Jan. 1995) '005 Prosecution History, Appeal Brief, pp. 3-6 (Apr. 1995) '005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995)</p>	<p>Magnetic tape designed for storage of audio in digital form.</p> <p><u>Intrinsic evidence:</u> '005 Patent, 2:36-45, 3:34-59, 3:65-4:5 (WSNSDE0008925-32).</p>
11. A network system of modular digital recording loggers, comprising:				
at least two digital recording loggers for logging voice conversations, each of said recording loggers comprising:				
a housing;				
a circuit in said housing for converting analog voice		a circuit . . . for converting	An assembly of electronic components that converts (i) analog	Means for converting analog voice signals to digital voice signals and

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U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
<u>signals to and from digital voice signals</u> , said circuit modules including at least two terminals for receiving said analog voice signals, and wherein each of said terminals is capable of receiving said analog voice signals for recording a two-way conversation,			<p>voice signals to digital voice signals and (ii) digital voice signals to analog voice signals.</p> <p><u>Intrinsic evidence:</u> Figs. 1, 2 col. 1: 24-28 col. 2: 7-18 col. 2: 55-67 col. 3: 1-18 col. 4: 13-32 '005 Prosecution History, Appeal Brief, p. 6 (Apr. 1995) '005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995) '005 Prosecution History, Office Action, p. 5 (Nov. 1995) '005 Prosecution History, Preliminary Amendment, pp. 7-12 (Mar. 1996) '005 Prosecution History, Office Action, pp. 2-5 (Aug. 1996)</p>	<p>contained within the same housing.</p> <p><u>Intrinsic evidence:</u> '005 Patent, Fig. 1, 1:40-44, 2:7-18, 2:55-67, 3:1-6, 3:12-15, 4:54-56 (WSN SDE0008925-32).</p>
	analog voice signals		<p>An electrical wave used to convey voice information.</p> <p><u>Intrinsic evidence:</u> Figs. 1, 2 col. 1: 39-44</p>	Plain language.

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NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 2: 46-55 '005 Prosecution History, Appeal Brief, p. 6 (Apr. 1995) '005 Prosecution History, Preliminary Amendment, pp. 16-17 (Mar. 1996)	
a circuit in said housing for compressing said digital voice signals received from each of said circuit modules to provide compressed voice data,				
a first bus in said housing for providing communication between said circuit module and said compressing circuit,				
a multiplexer circuit in said housing for providing communication between said compressing circuit and said first bus, wherein said multiplexer circuit multiplexes voice signals exchanged between said compressing circuit and said circuit modules on said first bus,				
a digital audio tape (DAT) drive for storing said	digital audio tape		Tape used to store digital data.	Magnetic tape designed for storage of audio in digital form.

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U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
compressed voice data,			<u>Intrinsic evidence:</u> Figs. 1, 2 col. 1: 54-57 col. 2: 35-45 col. 3: 30 - col. 4: 5 '005 Prosecution History, Office Action, p. 3 (May 1994) '005 Prosecution History, Amendment, pp. 3-4 (Jan. 1995) '005 Prosecution History, Appeal Brief, pp. 3-6 (Apr. 1995) '005 Prosecution History, Exam Answer, pp. 4-9 (Jun. 1995)	<u>Intrinsic evidence:</u> '005 Patent, 2:36-45, 3:34-59, 3:65-4:5 (WSNSDE0008925-32).
a hard disk drive in said housing for storing and reproducing said compressed voice data,				
a first computer in said housing for operating said DAT drive and/or said hard disk drive to store and reproduce said digital voice signals, and				
a second bus in said housing for connecting said computer to said hard disk drive and said DAT drive;				
a second computer for processing compressed				

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NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 5,819,005	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
digital voice signals received from each of said recording loggers; and				
a third bus connecting each of said recording loggers to said second computer.				

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US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
6. A method for recording information regarding telephone calls comprising one or more segments, comprising:				
(a) receiving audio data regarding one or more telephone call segments relating to one or more telephone calls , and data regarding telephony events associated with said telephone call segments;		telephone call	"Telephone calls" has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences. <u>Intrinsic evidence:</u> '570 Patent, col. 8, ll. 5-11 (WSNSDE0009192-254).
	telephony events	telephony event	Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program. <u>Intrinsic evidence:</u> Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 9 col. 1: 34-54 col. 2: 9-24 col. 3: 16-23	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-entered information is not data regarding telephone events. <u>Intrinsic evidence:</u> '570 Patent, 7:11-13; (WSNSDE0009192-254). '345 Prosecution History, Second Preliminary Amendment, pg. 9,

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 6: 35-54 col. 7: 1-59 col. 8: 1-34 col. 8: 35-47 col. 10: 10-30 col. 14: 60 - col. 25: 47 col. 26: 55-64 col. 27: 6-64 col. 30: 16-23 col. 31: 10 - col. 32: 67 col. 62: 2 - col. 64: 34	dated July 23, 2001 (WSNSDE0009486-98). '706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97). '370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(b) storing the received audio data regarding telephone call segments;				
(c) storing the received data regarding telephony events associated with said telephone call segments;				
(d) identifying telephone call segments that relate to one telephone call; and				
(e) <i>constructing a <u>data representation of a lifetime of the telephone call using data regarding telephony events associated with the telephone call segments of the telephone call</u></i> , wherein	data representation		Digital representation of data. <u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16	Data structure that represents an object as a single identifiable entity. <u>Intrinsic evidence:</u> '570 Patent, col. 18, ll. 26-35; 28:40-51. (WSNSDE0009192-254).

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
said data representation comprises, for each segment of the call, the location of the stored audio data of that segment and the start time, end time, and duration of that segment.			Fig. 16b Fig. 18 col. 2: 52-3: 23 col. 3: 16-23 col. 5: 14 - col. 6: 16 col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 12-37 col. 20: 53 - col. 22: 8 col. 24: 35-46 col. 25: 48 - col. 26: 8 col. 29: 6-15 col. 29: 37 - col. 30: 8 col. 31: 11 - col. 55: 57 col. 62: 2 - col. 64: 34	
		data representation of a lifetime of the telephone call	Data (e.g., voice information and/or metadata) representing an entire telephone call. <u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 52 - col. 3: 23	Call-centric data record of the telephone call that includes a detailed cumulative start-to-finish history of a telephone call, including all telephony events and participants. The data representation represents only the telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.

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US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 3: 16-23 col. 5: 14 - col. 6: 16 col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 12-37 col. 20: 53 - col. 22: 8 col. 24: 35-46 col. 25: 48 - col. 26: 8 col. 29: 6-15 col. 29: 37 - col. 30: 8 col. 31: 11 - col. 55: 57 col. 62: 2 - col. 64: 34	<u>Intrinsic evidence:</u> '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27; 36:47 - 38:65; 42:21-25; 54:18-26; Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192 -254).
		constructing a data representation of a lifetime of the telephone call using data regarding telephony events associated with the telephone call segments of the telephone call	NICE has provided constructions for "data representation of a lifetime of the telephone call," "telephony events," "telephone call segments" and "telephone call." The remaining words have a plain meaning that is clear and do not require further construction. <u>Intrinsic evidence:</u> See citations to intrinsic evidence for "data representation of a lifetime of the telephone call," "telephony events," "telephone call segments" and "telephone call."	Using data regarding telephony events to associate telephone call segments of a telephone call to form a data representation of the lifetime of the telephone call, and not using an identifier or key to form the data representation. <u>Intrinsic evidence:</u> '570 patent, 20:15-32; 26:55 - 27:6; 27:29-64; 31:39 - 32:50. (WSNSDE0009192 -254). '345 Prosecution History, Second Preliminary Amendment, pg. 9-10,

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US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				dated July 23, 2001 (WSNSDE0009486-98).
7. A method for recording information regarding telephone calls comprising one or more segments, comprising:				
(a) receiving audio data regarding one or more telephone call segments relating to one or more telephone calls , and data regarding telephony events associated with said telephone call segments, wherein the data regarding telephony events is received from a plurality of sources connected to a telephone switching environment, wherein at least one of the sources is a real-time link and at least one of the sources is not a real-time link;		telephone call	"Telephone calls" has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences. <u>Intrinsic evidence:</u> '570 Patent, col. 8, ll. 5-11. (WSNSDE0009192-254). '370 Prosecution History, Second Preliminary Amendment, pg. 6, dated August 15, 2001 (WSNSDE0010051-56).
	telephony events	telephony event	Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program.	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call),

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US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			<u>Intrinsic evidence:</u> Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 9 col. 1: 34-54 col. 2: 9-24 col. 3: 16-23 col. 6: 35-54 col. 7: 1-59 col. 8: 1-34 col. 8: 35-47 col. 10: 10-30 col. 14: 60 - col. 25: 47 col. 26: 55-64 col. 27: 6-64 col. 30: 16-23 col. 31: 10 - col. 32: 67 col. 62: 2 - col. 64: 34	and are not identifying numbers. Agent-entered information is not data regarding telephone events. <u>Intrinsic evidence:</u> '570 Patent, 7:11-13; (WSNSDE0009192-254). '345 Prosecution History, Second Preliminary Amendment, pg. 9, dated July 23, 2001 (WSNSDE0009486-98). '706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97). '370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(b) storing the received audio data regarding telephone call segments;				
(c) storing the received data regarding telephony events associated with said telephone call segments;				

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US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
(d) identifying telephone call segments that relate to one telephone call; and				
(e) <i>constructing a <u>data representation of a lifetime of the telephone call</u> using data regarding telephony events associated with the telephone call segments of the telephone call.</i>	data representation		<p>Digital representation of data.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 52-3: 23 col. 3: 16-23 col. 5: 14 - col. 6: 16 col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 12-37 col. 20: 53 - col. 22: 8 col. 24: 35-46 col. 25: 48 - col. 26: 8 col. 29: 6-15 col. 29: 37 - col. 30: 8 col. 31: 11 - col. 55: 57 col. 62: 2 - col. 64: 34</p>	<p>Data structure that represents an object as a single identifiable entity.</p> <p><u>Intrinsic evidence:</u> '570 Patent, col. 18, ll. 26-35; 28:40-51. (WSNSDE0009192-254).</p>
	data representation	data representation	Data (e.g., voice information and/or metadata) representing an entire	Call-centric data record of the telephone call that includes a

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US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		of a lifetime of the telephone call	<p>telephone call.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 52 - col. 3: 23 col. 3: 16-23 col. 5: 14 - col. 6: 16 col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 12-37 col. 20: 53 - col. 22: 8 col. 24: 35-46 col. 25: 48 - col. 26: 8 col. 29: 6-15 col. 29: 37 - col. 30: 8 col. 31: 11 - col. 55: 57 col. 62: 2 - col. 64: 34</p>	<p>detailed cumulative start-to-finish history of a telephone call, including all telephony events and participants. The data representation represents only the telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27; 36:47 - 38:65; 42:21-25; 54:18-26; Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254).</p>
		constructing a data representation of a lifetime of the telephone	<p>NICE has provided constructions for "data representation of a lifetime of the telephone call," "telephony events," "telephone call segments" and "telephone call."</p>	<p>Using data regarding telephony events to associate telephone call segments of a telephone call to form a data representation of the lifetime of the telephone call, and</p>

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US PATENT NO. 6,249,570	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		call using data regarding telephony events associated with the telephone call segments of the telephone call	<p>The remaining words have a plain meaning that is clear and do not require further construction.</p> <p><u>Intrinsic evidence:</u> See citations to intrinsic evidence for "data representation of a lifetime of the telephone call," "telephony events," "telephone call segments" and "telephone call."</p>	<p>not using an identifier or key to form the data representation.</p> <p><u>Intrinsic evidence:</u> '570 patent, 20:15-32; 26:55 – 27:6; 27:29-64; 31:39 – 32:50. (WSNSDE0009192-254). '345 Prosecution History, Second Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDE0009486-98).</p>

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
14. A method for recording information regarding telephone calls with three or more participants and comprising one or more telephone call segments, comprising:				
(a) receiving audio data regarding one or more telephone call segments;				
(b) receiving data regarding telephony events associated with said telephone call segments;	telephony events	telephony event	<p>Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 9 col. 1: 37-57 col. 2: 12-27 col. 3: 16-26</p>	<p>Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-entered information is not data regarding telephone events.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 7:11-13; (WNSNDE0009192-254). '345 Patent, 7:11-13. (WNSNDE0009547-611).</p>

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NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 7: 1-59 col. 8: 1-34 col. 8: 35-47 col. 10: 11-34 col. 14: 65 - col. 25: 39 col. 26: 47-55 col. 26: 66 - col. 27: 56 col. 30: 8-15 col. 31: 4 - col. 32: 61 col. 64: 55 - col. 68: 42	'345 Prosecution History, Second Preliminary Amendment, pg. 9, dated July 23, 2001 (WSNSDE0009486-98). '706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97). '370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(c) storing the received audio data regarding telephone call segments;				
(d) storing the received data regarding telephone events associated with said telephone call segments;				
(e) identifying telephone call segments that relate to the same telephone call; and		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences. <u>Intrinsic evidence:</u> '570 Patent, col. 8, ll. 5-11. (WSNSDE0009192-254).

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
(f) constructing <u>data representations of lifetimes of telephone calls</u> , wherein said data representations are constructed using data regarding telephony events associated with telephone call segments.	data representations		<p>Digital representation of data.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 55 - col. 3: 26 col. 3: 16-26 col. 5: 15 - col. 6: 16 col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42</p>	<p>'345 Patent, col. 8, ll 5-11. (WSNSDE0009547-611).</p> <p>Data structure that represents an object as a single identifiable entity.</p> <p><u>Intrinsic evidence:</u> '570 Patent, col. 18, ll. 26-35; 28:40-51. (WSNSDE0009192-254).</p> <p>'345 Patent, col. 18, ll. 27-36l 28:32-44. (WSNSDE0009547-611).</p>
		data representations of lifetimes of	For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone	Call-centric data records of the telephone calls, where each record includes a detailed cumulative start-

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		telephone calls	<p>call.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 55 - col. 3: 26 col. 3: 16-26 col. 5: 15 - col. 6: 16 col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42</p>	<p>to-finish history of a telephone call, including all telephony events and participants. Each data representation represents only a single telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 30:19-23; 33:17-20; 36:23-27; 36:47 - 38:65; 42:21-25; 54:18-26; Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNDE0009192-254). '345 Patent, 5:20-23; 6:10-11;; 7:11-28; 8:1-16; ; 8:35-47; 20:34-60; 21:34-38; 21:62-22:4; 30:11-15; 33:12-15; 36:23-26; 36:46-38:65; 43:48-53; 56:56-64; Figs. 16, 16B; 7:13-16; 20:37-63; 20:44-47; 26:9-12; 27:9-16; 28:37-40; 30:11-15. (WSNDE0009547-611).</p>
		wherein said data representations are constructed	NICE has provided constructions for "data representation," and "telephony events," and "telephone call segments." The remaining	Using data regarding telephony events to associate two or more segments of a telephone call to form a data representation of the

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		using data regarding telephony events associated with telephone call segments	words have a plain meaning that is clear and do not require further construction. <u>Intrinsic evidence:</u> See citations to intrinsic evidence for data representation, "telephony events," and "telephone call segments."	lifetime of the telephone call, and not using identifiers or keys to form the data representations. <u>Intrinsic evidence:</u> '570 Patent, 20:15-32; 26:55 – 27:6; 27:29-64; 31:39 – 32:50. (WSNSDE0009192-254). '345 Prosecution History, Second Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDE0009486-98).
40. A method for recording information regarding telephone calls comprising one or more telephone call segments, wherein said calls comprise calls wherein at least one participant participates in a plurality of segments, comprising:				
(a) receiving audio data regarding one or more telephone call segments and data regarding telephone events associated with said telephone call segments;				
(b) storing the received audio data regarding telephone				

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U.S. PATENT NO. 6,728,345	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
call segments; (c) storing the received data regarding telephony events associated with said telephone call segments;	telephony events	telephony event	<p>Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 9 col. 1: 37-57 col. 2: 12-27 col. 3: 16-26 col. 7: 1-59 col. 8: 1-34 col. 8: 35-47 col. 10: 11-34 col. 14: 65 - col. 25: 39 col. 26: 47-55 col. 26: 66 - col. 27: 56 col. 30: 8-15 col. 31: 4 - col. 32: 61 col. 64: 55 - col. 68: 42</p>	<p>Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-entered information is not data regarding telephone events.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 7:11-13; (WSNSDE0009192-254). '345 Patent, 7:11-13. (WSNSDE0009547-611). '345 Prosecution History, Second Preliminary Amendment, pg. 9, dated July 23, 2001 (WSNSDE0009486-98). '706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97). '370 Prosecution History, Second</p>

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(d) identifying telephone call segments that relate to one telephone call;		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.	Entire conversation with an entity from a caller's perspective, including transfers and conferences. <u>Intrinsic evidence:</u> '570 Patent, col. 8, ll. 5-11. (WSNSDE0009192-254). '345 Patent, col. 8, ll. 5-11. (WSNSDE0009547-611).
(e) identifying multiple call segments that have the same participant; and				
(f) constructing <u>data</u> <i>representations of lifetimes</i> <i>of telephone calls</i> , wherein each data representation of a telephone call is constructed using data regarding telephony events associated with the telephone call segments of the telephone call.	data representations		Digital representation of data. <u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 55 - col. 3: 26 col. 3: 16-26 col. 5: 15 - col. 6: 16	Data structure that represents an object as a single identifiable entity. <u>Intrinsic evidence:</u> '570 Patent, col. 18, ll. 26-35; 28:40-51. (WSNSDE0009192-254). '345 Patent, col. 18, ll. 27-36; 28L:32-44.. (WSNSDE0009547- 611).

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U.S. PATENT NO. 6,728,345	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 6: 29-67 col. 7: 1-28 col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42	
		data representation of lifetimes of telephone calls	<p>For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 55 - col. 3: 26 col. 3: 16-26 col. 5: 15 - col. 6: 16 col. 6: 29-67 col. 7: 1-28</p>	<p>Call-centric data record of the telephone calls, where each record includes a detailed cumulative start-to-finish history of a telephone call, including all telephony events and participants. Each data representation represents only a single telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 30:19-23; 33:17-20; 36:23-27; 36:47 - 38:65; 42:21-25; 54:18-26; Figs. 16, 16B;</p>

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U.S. PATENT NO. 6,728,345	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 8: 34-65 col. 14: 18-43 col. 20: 56 - col. 21: 7 col. 24: 30-41 col. 25: 40-67 col. 28: 66 - col. 29: 8 col. 29: 29-67 col. 31: 4 - col. 58: 64 col. 64: 55 - col. 68: 42	7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254). '345 Patent, 5:20-23; 6:10-11; ; 7:11-28; 8:1-16; ; 8:35-47; 20:34-60; 21:34-38; 21:62-22:4; 30:11-15; 33:12-15; 36:23-26; 36:46-38:65; 43:48-53; 56:56-64; Figs. 16, 16B; 7:13-16; 20:37-63; 20:44-47; 26:9-12; 27:9-16; 28:37-40; 30:11-15. (WSNSDE0009547-611).
		wherein each data representation of a telephone call is constructed using data regarding telephony events associated with the telephone call segments of the telephone call	NICE has provided constructions for "data representation," "telephony events," "telephone call segments" and "telephone call." The remaining words have a plain meaning that is clear and do not require further construction. <u>Intrinsic evidence:</u> See citations to intrinsic evidence for "data representation," "telephony events," "telephone call segments" and "telephone call."	Using data regarding telephony events to associate two or more segments of a telephone call to form a data representation of the lifetime of the telephone call, and not using identifier or key to form the data representations. <u>Intrinsic evidence:</u> '570 patent, 20:15-32; 26:55 - 27:6; 27:29-64; 31:39 - 32:50. (WSNSDE0009192-254). '345 Patent, 20:18-36; 26:47-65; 27:21-56; 31:32-32:31. (WSNSDE0009547-611). '345 Prosecution History, Second

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U.S. PATENT NO. 6,728,345	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDE0009486-98).

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U.S. PATENT NO. 6,775,372	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. A multi-stage data logging system comprising:				
a) a telecommunications ("telecom") stage receiving input from a plurality of communication channels;	telecommunications ("telecom") stage	telecommunications ("telecom") stage	<p>The stage that serves to capture and pre-process signals from two or more communication channels and interfaces with the recorder stage.</p> <p><u>Intrinsic evidence:</u> Figs. 4-6 col. 6: 61-69 col. 7: 51 - col. 9: 53 '372 Prosecution History, Response, pp. 9-11 (Oct. 2001)</p>	<p>Device that receives input from communication channels passively, and is not part of the communications system.</p> <p><u>Intrinsic evidence:</u> '372 Patent, 2:57-64, 3:2-6, 7:60-8:5, 9:11-60 (WSNSDE0009798-813). '372 Prosecution History, Amendment pgs. 9-10, dated September 24, 2001 (WSNSDE0009690-704).</p>
b) a recorder stage having one or more recorders, at least one recorder logging data associated with information transmitted on at least one of said plurality of communication channels;				
c) a distribution stage providing access to data logged in the recorder stage;	distribution stage		<p>The stage that serves for retrieval of recorded information and providing it in a human recognizable form and/or serves for archiving the</p>	<p>Plain meaning.</p>

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U.S. PATENT NO. 6,775,372	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			<p>recorded information to removable storage.</p> <p><u>Intrinsic evidence:</u> Figs. 4-6 col. 3: 17-24 col. 3: 45-48 col. 6: 68 - col. 7: 10 col. 7: 20-28 col. 11: 42 - col. 12: 68 col. 14: 11-40 '372 Prosecution History, Response, p. 9 (Oct. 2001) '372 Prosecution History, Response, pp. 4-6 (Jun. 2003)</p>	
d) a first interface linking the telecom and the recorder stages and a second interface linking the recorder and the distribution stages;				
wherein at least two stages of the system are physically separable and in operation can be located wide distances apart.				
33. The data logging system of claim 32, wherein the network server is a Web server .		Web server	A component that provides access to information accessible from a computer connected to the Internet	A computer that receives a request for stored data, retrieves the stored data, and transfers the data over the

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U.S. PATENT NO. 6,775,372	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			or an intranet.	World Wide Web.
			<u>Intrinsic evidence:</u> Figs. 4-6 col. 4: 51-60 col. 7: 20-28 col. 10: 57-59 col. 12: 12-53 col. 14: 11-40 '372 Prosecution History, Response, p. 13 (Oct. 2001)	<u>Intrinsic evidence:</u> '372 Patent, 4:51-58, 12:11-43 (WSNSDE0009798-813). '372 Prosecution History, Amendment pg. 13, dated September 24, 2001 (WSNSDE0009690-704).

U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. A method for constructing and maintaining data representations of lifetimes of telephone calls comprising one or more segments, audio data for each segment being recorded on one or more recorders, the method comprising:		data representations of lifetimes of the telephone calls	<p>For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 55 - col. 3: 14 col. 3: 17-30 col. 5: 21 - col. 6: 23 col. 6: 37 - col. 7: 8 col. 7: 9-36 col. 8: 44 - col. 9: 8 col. 14: 33-58 col. 22: 45-63 col. 27: 1-12 col. 28: 13-40 col. 31: 41-50 col. 32: 5-43 col. 33: 46 - col. 61: 48 col. 67: 53 - col. 70: 38</p>	<p>Call-centric data record of the telephone calls, where each record includes a detailed cumulative start-to-finish history of a telephone call, including all telephony events and participants. Each data representation represents only a single telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27; 36:47 - 38:65; 42:21-25; 54:18-26; Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254). '370 Patent, 5:27-30; 6:17-18; 7:19-36; 8: 9-25; 8:44-57; 21:66-22:52; 23:23-27; 23:51-60; 31:7-50; 32:54-58; 35:55-58; 38:48-51; 40:1-42:16; 46:58-62; 60:9-17; Figs 16, 16B; 7:21-24; 21:66-22:52; 28:17-20; 27:50-53; 29:51-57;</p>

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U.S. PATENT No. 6,785,370	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
(a) constructing a call record for at least one telephone call;		call record	<p>Data regarding telephony events for one or more segments of a telephone call.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b col. 3: 17-30 col. 7: 1-28 col. 11: 11-56 col. 20: 61 - col. 58: 56 col. 67: 53 - col. 70: 38</p>	<p>31:12-15; 32:54-58. (WSNSDE0010104-68).</p> <p>Call-centric data record of a telephone call that includes a detailed cumulative history of a telephone call, including all telephony events and participants. Each call record represents only a single call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27; 36:47 - 38:65; 42:21-25; 54:18-26; Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254).</p> <p>'370 Patent, 5:27-30; 6:17-18; 7:19-36; 8: 9-25; 8:44-57; 21:66-22:52; 23:23-27; 23:51-60; 31:7-50; 32:54-58; 35:55-58; 38:48-51; 40:1-42:16; 46:58-62; 60:9-17; Figs 16, 16B; 7:21-24; 21:66-22:52; 28:17-20; 27:50-53; 29:51-57; 31:12-15;</p>

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.	32:54-58. (WSNSDE0010104-68). Entire conversation with an entity from a caller's perspective, including transfers and conferences. <u>Intrinsic evidence:</u> '570 Patent, col. 8, ll. 5-11. (WSNSDE0009192-254). '370 Patent, col. 8, 13-15. (WSNSDE0010104-68).
(b) receiving data regarding telephony events associated with one or more telephone calls;	telephony events	telephony event	Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by a computer program. <u>Intrinsic evidence:</u> Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 9 col. 1: 37-57 col. 2: 12-27 col. 3: 17-30 col. 7: 9-67	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-entered information is not data regarding telephone events. <u>Intrinsic evidence:</u> '570 Patent, 7:11-13; (WSNSDE0009192-254). '370 Patent, 7:21-23. (WSNSDE0010104-68).

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 8: 9-44 col. 8: 45-57 col. 10: 23-51 col. 15: 13 - col. 28: 12 col. 29: 21-29 col. 29: 40 - col. 30: 31 col. 32: 51-58 col. 33: 46 - col. 35: 36 col. 67: 53 - col. 70: 38	'345 Prosecution History, Second Preliminary Amendment, pg. 9-10, dated July 23, 2001 (WSNSDE0009486-98). '706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97). '370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).
(c) matching a received telephony event with a constructed call record;	matching a received telephony event with a constructed call record		NICE has provided constructions for "telephony event" and "call record." The remaining words have a plain meaning that is clear and do not require further construction. <u>Intrinsic evidence:</u> See citations to intrinsic evidence for "telephony event" and "call record."	Calculating to resolve an ambiguity as to whether a received telephony event is part of a constructed call record. <u>Intrinsic evidence:</u> '570 patent, 8:56 – 10:30; 20:15-32; 12:6-16; 14:38-59; 20:16-32; 25:38-41; Fig. 5, steps 508, 510, 516, 522, 524 and 526. (WSNSDE0009192-254). '370 patent, 8:66-10:51; 21:47-65; 12:27-37; 14:59-15:12; 21:47-65; 28:3-6; Fig. 5, steps 508, 510, 516, 522, 524 and 526.

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				(WSNSDE0010104-68). '370 Prosecution History, Second Preliminary Amendment, pg. 4-5, dated August 15, 2001 (WSNSDE0010051-56).
(d) updating the matching call record based on the received telephony event data; and				
(e) combining the updated call record with data indicating the location of recorded audio data for the <u>segment</u> of the call, to obtain a <u>master call record</u> representing the lifetime of the telephone call.		combining the updated call record with data indicating the location of recorded audio data for the segment of the call	NICE has provided constructions for "segment" and "call record." The remaining words have a plain meaning that is clear and do not require further construction. <u>Intrinsic evidence:</u> See citations to intrinsic evidence for "segment" and "call record."	Storing data indicating the location of recorded audio data for the segment of the call in the updated call record, where the updated call record does not previously have such location data <u>Intrinsic evidence:</u> '570 Patent, 3:2-11; 3:14-22; 5:20-23; 7:18-20; 27:65 – 28:16; 28:25-39; 29:6-15. (WSNSDE0009192-254). '370 Patent, 3:7-14; 3:17-30; 5:27-30; 7:26-28; 30:32-50; 30:59-31:6; 31:40-50. (WSNSDE0010104-68).
		segment	The claim term "segment" is used in the claims and specification in the phrase "segment of the call." This claim term has a plain	The term "segment" is indefinite; it can either be a telephone call segment or an audio data segment.

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			<p>meaning that is clear and does not require further construction.</p> <p><u>Intrinsic evidence:</u> Abstract col. 3: 17-30 col. 67: 53 - col. 70: 38</p>	<p>In the alternative, a segment is a portion of a phone call that is bounded by telephony events.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 58:11-16. (WSNSDE0009192-254).</p> <p>'370 Patent, 63:60-65. (WSNSDE0010104-68).</p> <p>'370 Prosecution History, Second Preliminary Amendment, pg. 6, dated August 15, 2001 (WSNSDE0010051-56).</p>
	master call record	master call record	<p>A record containing information about the location of all telephone call segments of an entire telephone call.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 55 - col. 3: 14</p>	<p>Call-centric data record of a telephone call that includes (a) data matching the call with the segments that make up the call; (b) data indicating the location of a recording for each segment; and (c) a detailed cumulative start-to-finish history of the telephone call, including all telephony events and participants. Each master call record represents only a single call, in non event-centric, and is not constructed on a 1-to-1 bases for the events during the total lifetime</p>

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 3: 17-30 col. 5: 21 - col. 6: 23 col. 6: 37 - col. 7: 8 col. 7: 9-36 col. 8: 44 - col. 9: 8 col. 14: 33-58 col. 22: 45-63 col. 27: 1-12 col. 28: 13-40 col. 31: 41-50 col. 32: 5-43 col. 33: 46 - col. 61: 48 col. 67: 53 - col. 70: 38	of a call. <u>Intrinsic evidence:</u> '570 Patent, 3:2-11; 3:14-22; 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 29:65-30:8; 30:19-23; 32:38-50; 33:17-20; 36:23-27; 36:32 - 42:10; 42:21-25; 46:30-47:45; 54:18-26; Figs. 16, 16B; 570 Patent, 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254). '370 Patent, 3:7-14; 3:17-30; 5:27-30; 6:17-18; 7:19-36; 8: 9-25; 8:44-57:21:66-22:52, 23:23-27; 23:51-59; 31:7-50; 32:33-43; 32:54-58; 35:5-18; 35:55-58; 38:48-51; 38:58-42:16; 45:58-62; 51:7-19; 60:9-17; ; Figs. 16, 16B. 370 Patent, 7:21-24; 21:66-22:52; 28:17-20; 27:50-53; 29:51-57; 31:12-15; 32:54-58. (WSNSDE0010104-68).
27. A method for constructing and maintaining data representations of lifetimes of telephone calls comprising two or more segments, audio data for each segment being recorded on one or more		data representations of lifetimes of telephone calls	For each telephone call, data (e.g., voice information and/or metadata) representing an entire telephone call. <u>Intrinsic evidence:</u>	Call-centric data records of telephone calls, where each record includes a detailed cumulative start-to-finish history of a telephone call, including all telephony events and participants. Each data representation represents only a

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
recorders, the method comprising the steps of:			<p>Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 55 - col. 3: 14 col. 3: 17-30 col. 5: 21 - col. 6: 23 col. 6: 37 - col. 7: 8 col. 7: 9-36 col. 8: 44 - col. 9: 8 col. 14: 33-58 col. 22: 45-63 col. 27: 1-12 col. 28: 13-40 col. 31: 41-50 col. 32: 5-43 col. 33: 46 - col. 61: 48 col. 67: 53 - col. 70: 38</p>	<p>single telephone call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27; 36:47 - 38:65; 42:21-25; 54:18-26; Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254).</p> <p>'370 Patent, 5:27-30; 6:17-18; 7:19-36; 8:9-25; 8:44-57; 21:47-65; 21:66-22:52; 23:23-26; 23:51-59; 31:7-50; 32:54-58; 35:55-58; 33:48-51; 40:1-42-16; 45:58-62; 60:9-17; Figs 16, 16B; 7:21-24; 21:66-22:52; 28:17-20; 27:50-53; 29:51-57; 31:12-15; 32:54-58. (WSNSDE0010104-68).</p>
(a) constructing a call record for a telephone call comprising two or more segments;		call record	<p>Data regarding telephony events for one or more segments of a telephone call.</p> <p><u>Intrinsic evidence:</u></p>	<p>Call-centric data record of a telephone call that includes a detailed cumulative history of a telephone call, including all telephony events and participants. Each call record represents only a</p>

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			<p>Abstract Fig. 10 Fig. 16 Fig. 16b col. 3: 17-30 col. 7: 1-28 col. 11: 11-56 col. 20: 61 - col. 58: 56 col. 67: 53 - col. 70: 38</p>	<p>single call, is not event-centric, and is not constructed on a 1-to-1 basis for the events during the total lifetime of a call.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 30:19-23; 33:17-20; 36:23-27; 36:47 - 38:65; 42:21-25; 54:18-26; Figs. 16, 16B; 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254).</p> <p>'370 Patent, '370 Patent, 5:27-30; 6:17-18; 7:19-36; 8: 9-25; 8:44-57; 21:66-22:52; 23:23-27; 23:51-60; 31:7-50; 32:54-58; 35:55-58; 38:48-51; 40:1-42:16; 46:58-62; 60:9-17; Figs 16, 16B; 7:21-24; 21:66-22:52; 28:17-20; 27:50-53; 29:51-57; 31:12-15; 32:54-58. (WSNSDE0010104-68).</p>
		telephone call	"Telephone call" has a plain meaning that is clear and does not require further construction.	<p>Entire conversation with an entity from a caller's perspective, including transfers and conferences.</p> <p><u>Intrinsic evidence:</u></p>

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				'570 Patent, col. 8, ll. 5-11. (WSNSDE0009192-254).
				'370 Patent, col. 8, 13-15. (WSNSDE0010104-68).
		segment	<p>The claim term "segment" is used in the claims and specification in the phrase "segment of the call." This claim term has a plain meaning that is clear and does not require further construction.</p> <p><u>Intrinsic evidence:</u> Abstract col. 3: 17-30 col. 67: 53 - col. 70: 38</p>	<p>The term "segment" is indefinite; it can either be a telephone call segment or an audio data segment.</p> <p>In the alternative, a segment is a portion of a phone call that is bounded by telephony events.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 58:11-16; (WSNSDE0009192-254).</p> <p>'370 Patent, 63:60-65. (WSNSDE0010104-68).</p> <p>'370 Prosecution History, Second Preliminary Amendment, pg. 6, dated August 15, 2001 (WSNSDE0010051-56).</p>
(b) receiving data regarding one or more telephony events associated with the telephone call;	telephony events	telephony events	Actions or occurrences (e.g., called party and calling party numbers, trunk and channel ID, date and time or agent ID), which are related to telephone calls, that are detected by	Actions or occurrences detected by a computer program and that are related to what happens to a phone call (such as the initiation of the call, the addition or removal of

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			<p>a computer program.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 4 Fig. 6 Fig. 7 Fig. 9 col. 1: 37-57 col. 2: 12-27 col. 3: 17-30 col. 7: 9-67 col. 8: 9-44 col. 8: 45-57 col. 10: 23-51 col. 15: 13 - col. 28: 12 col. 29: 21-29 col. 29: 40 - col. 30: 31 col. 32: 51-58 col. 33: 46 - col. 35: 36 col. 67: 53 - col. 70: 38</p>	<p>callers, the transfer of the phone call, or the termination of the call), and are not identifying numbers. Agent-entered information is not data regarding telephone events.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 7:11-13 (WSNSDE0009192-254). '370 Patent, 7:21-23. (WSNSDE0010104-68). '345 Prosecution History, Second Preliminary Amendment, pg. 9, dated July 23, 2001 (WSNSDE0009486-98). '706 Prosecution History, Second Preliminary Amendment, pg. 7-9, dated July 13, 2001 (WSNSDE050988-97). '370 Prosecution History, Second Preliminary Amendment, pg. 4, dated August 15, 2001 (WSNSDE0010051-56).</p>
(c) matching said one or more received telephony events with said call		matching said one or more received	NICE has provided constructions for "telephony events" and "call record." The remaining words have	Calculating to resolve an ambiguity as to whether a received telephony event is part of a constructed call

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U.S. PATENT NO. 6,785,370	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
record;		telephony events with said call record	a plain meaning that is clear and do not require further construction. <u>Intrinsic evidence:</u> See citations to intrinsic evidence for "telephony events" and "call record."	record. <u>Intrinsic evidence:</u> '570 patent, 8:56 – 10:30; 20:15-32; 12:6-16; 14:38-59; 20:16-32; 25:38-41; Fig. 5, steps 508, 510, 516, 522, 524 and 526; (WSNSDE0009192-254). '370 patent, 8:66-10:51; 21:47-65; 12:27-37; 14:59-15:12; 21:47-65; 28:3-6; Fig. 5, steps 508, 510, 516, 522, 524 and 526. (WSNSDE0010104-68). '370 Prosecution History, Second Preliminary Amendment, pg. 4-5, dated August 15, 2001 (WSNSDE0010051-56).
(d) updating said call record based on said received telephony event data; and				
(e) combining said updated call record with data indicating one or more locations of recorded audio data for two or more segments of the call, to obtain a master call record representing the		combining said updated call record with data indicating one or more locations of recorded audio data for two or	NICE has provided constructions for "segments" and "call record." The remaining words have a plain meaning that is clear and do not require further construction. <u>Intrinsic evidence:</u> See citations to intrinsic evidence	Storing data indicating one or more locations of recorded audio data for two or more segments of the call in an updated call record, where the updated call record does not previously have such location data. <u>Intrinsic evidence:</u>

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U.S. PATENT NO. 6,785,370	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
lifetime of said telephone call.		more segments of the call	for "segments" and "call record."	'570 Patent, 3:2-11; 3:14-22; 5:20-23; 7:18-20; 27:65 - 28:16; 28:25-39; 29:6-15. (WSNSDE0009192-254). '370 Patent, 3:7-14; 3:17-30; 5:27-30; 7:26-28; 30:32-50; 30:59-31:6; 31:40-50. (WSNSDE0010104-68).
	master call record	master call record	<p>A record containing information about the location of all telephone call segments of an entire telephone call.</p> <p><u>Intrinsic evidence:</u> Abstract Fig. 10 Fig. 16 Fig. 16b Fig. 18 col. 2: 55-3: 14 col. 3: 17-30 col. 5: 21 - col. 6: 23 col. 6: 37 - col. 7: 8 col. 7: 9-36 col. 8: 44 - col. 9: 8 col. 14: 33-58 col. 22: 45-63 col. 27: 1-12</p>	<p>Call-centric data record of a telephone call that includes (a) data matching the call with the segments that make up the call; (b) data indicating the location of a recording for each segment; and (c) a detailed cumulative start-to-finish history of the telephone call, including all telephony events and participants. Each master call record represents only a single call, in non event-centric, and is not constructed on a 1-to-1 bases for the events during the total lifetime of a call.</p> <p><u>Intrinsic evidence:</u> '570 Patent, 3:2-11; 3:14-22; 5:20-23; 6:10-11; 7:11-28; 8:1-16; 8:35-47; 20:34-60; 21:31-35; 21:59-22:1; 28:40-29:15; 29:65-30:8; 30:19-23; 32:38-50; 33:17-20; 36:23-27; 36:32 - 42:10; 42:21-25; 46:30-</p>

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U.S. PATENT NO. 6,785,370	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 28: 13-40 col. 31: 41-50 col. 32: 5-43 col. 33: 46 - col. 61: 48 col. 67: 53 - col. 70: 38	47:45; 54:18-26; Figs. 16, 16B; 570 Patent, 7:13-16; 20:34-60; 25:52-55; 26:16-20; 27:18-24; 28:45-48; 30:19-23. (WSNSDE0009192-254). '370 Patent, 3:7-14; 3:17-30; 5:27- 30; 6:17-18; 7:19-36; 8: 9-25; 8:44- 57;21:66-22:52, 23:23-27; 23:51- 59; 31:7-50; 32:33-43;32:54-58; 35:5-18; 35:55-58; 38:48-51; 38:58- 42:16; 45:58-62; 51:7-19; 60:9-17;; Figs. 16, 16B. 370 Patent, 7:21-24; 21:66-22:52; 28:17-20; 27:50-53; 29:51-57; 31:12-15; 32:54-58. (WSNSDE0010104-68).

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. A method for accessing information in at least one digital logger storing data associated with input from a plurality of input channels, comprising:				
at a Web server having access to said at least one digital logger , receiving a request for retrieval of stored data from a client;		Web server	<p>A component that provides access to information accessible for a computer connected to the Internet or an intranet.</p> <p><u>Intrinsic evidence:</u> Fig. 6 col. 4: 66-67 col. 5: 1-12 col. 12: 65 - col. 13: 55 col. 15: 7-36</p>	<p>Computer that receives a request for stored data, retrieves the stored data, and transfers the data over the World Wide Web.</p> <p><u>Intrinsic evidence:</u> '920 Patent, 4:66-67; 5:1-8, 13:3-39; 15:6-20, 15:30-33 (WSNSDE0010348-63). '372 Patent, 4:51-58, 12:11-43 (WSNSDE0009798-813). '372 Prosecution History, Amendment pg. 13, dated September 24, 2001 (WSNSDE0009690-704) '920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).</p>
	digital logger	digital logger	A device, system or software for	A device, system or software for

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			<p>recording, in digital form, audio data representing multiple concurrent telephone calls.</p> <p><u>Intrinsic evidence:</u> col. 1: 51-57 col. 5: 1-12 col. 6: 66 - col. 7: 16</p> <p>'372 Prosecution History, Response, pp. 8-11 (Oct. 2001)</p>	<p>recording audio in digital form.</p> <p><u>Intrinsic evidence:</u> '920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6:56-57, 5:7-9-14, 7:38-54, 10:1323, 10:26-31, 13:3-7, 13:21-28, (WSNSDE0010348-363).</p> <p>'920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).</p>
		receiving a request for retrieval of stored data	<p>This claim phrase has a plain meaning that is clear and does not require construction.</p> <p><u>Intrinsic evidence:</u> Figs. 4-6 col. 4: 29-33 col. 4: 57-67 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28</p>	<p>The Web server receives a request for retrieval of data stored in the digital logger.</p> <p><u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:21-28; 15:17-20 (WSNSDE0010348-363).</p>
retrieving stored data in accordance with the		retrieving stored data	<p>This claim phrase has a plain meaning that is clear and does not</p>	<p>The Web server retrieves data stored in the digital logger.</p>

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U.S. PATENT NO. 6,870,920	NICE's DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE's PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
received request; and			<p>require construction.</p> <p><u>Intrinsic evidence:</u> Figs 4-6 col. 4: 29-33 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28</p>	<p><u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:14-28; 15:17-20 (WSNSDE0010348-363).</p>
transferring the retrieved data to the client.		transferring the retrieved data	<p>This claim phrase has a plain meaning that is clear and does not require construction.</p> <p><u>Intrinsic evidence:</u> Figs 4-6 col. 4: 29-33 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28</p>	<p>The Web server sends the data retrieved from the digital logger.</p> <p><u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:21-28; 15:17-20 (WSNSDE0010348-363).</p>
3. The method of claim 2 wherein the step of retrieving stored data comprises accessing call information for a record of an input channel made by said at least one		retrieving stored data	<p>This claim phrase has a plain meaning that is clear and does not require construction.</p> <p><u>Intrinsic evidence:</u></p>	<p>The Web server retrieves data stored in the digital logger.</p> <p><u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-</p>

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
digital logger.			<p>Figs 4-6 col. 4: 29-33 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28</p>	6; 13:14-28; 15:17-20 (WNSDE0010348-363).
		record of an input channel	<p>Stored voice and/or call information received from an input channel.</p> <p><u>Intrinsic evidence:</u> col. 1: 40-52 col. 2: 7-16 col. 2: 37-38 col. 3: 1-4 col. 5: 1-12 col. 8: 11-25 col. 9: 18-21 col. 10: 30-41 col. 11: 10-41 col. 13: 7-13</p>	<p>Record corresponding to an input channel.</p> <p><u>Intrinsic evidence:</u> '920 Patent, 9:19-21; 11:14-19; 11:46-47 (WNSDE0010348-363).</p>
	digital logger	digital logger	<p>A device, system or software for recording, in digital form, audio data representing multiple concurrent telephone calls.</p> <p><u>Intrinsic evidence:</u></p>	<p>A device, system or software for recording audio in digital form.</p> <p><u>Intrinsic evidence:</u> '920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-</p>

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 1: 51-57 col. 5: 1-12 col. 6: 66 - col. 7: 16 '372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	14, 7:38-54, 10:1323, 10: 26-31, 13:3-7, 13:21-28, (WNSNDE0010348-363). '920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WNSNDE0010247-55).
16. A method for accessing information stored by at least one digital logger storing data associated with input from a plurality of communication channels, comprising:				
at a Web server having access to said information stored by at least one digital logger over a communications network, receiving a request for retrieval of stored data from a user;		Web server	A component that provides access to information accessible for a computer connected to the Internet or an intranet. <u>Intrinsic evidence:</u> Fig. 6 col. 4: 66-67 col. 5: 1-12 col. 12: 65 - col. 13: 55 col. 15: 7-36	Computer that receives a request for stored data, retrieves the stored data, and transfers the data over the World Wide Web. <u>Intrinsic evidence:</u> '920 Patent, 4:66-67; 5:1-8, 13:3- 39; 15:6-20, 15:30-33 (WNSNDE0010348-63); '372 Patent, 4:51-58, 12:11-43 (WNSNDE0009798-813). '372 Prosecution History, Amendment pg. 13, dated September 24, 2001

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				(WSNSDE0009690-704)
	digital logger	digital logger	<p>A device, system or software for recording, in digital form, audio data representing multiple concurrent telephone calls.</p> <p><u>Intrinsic evidence:</u> col. 1: 51-57 col. 5: 1-12 col. 6: 66 - col. 7: 16 '372 Prosecution History, Response, pp. 8-11 (Oct. 2001)</p>	<p>'920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).</p> <p>A device, system or software for recording audio in digital form.</p> <p><u>Intrinsic evidence:</u> '920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-14, 7:38-54, 10:1323, 10: 26-31, 13:3-7, 13:21-28, (WSNSDE0010348-363).</p> <p>'920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).</p>
		receiving a request for retrieval of stored data	<p>This claim phrase has a plain meaning that is clear and does not require construction.</p> <p><u>Intrinsic evidence:</u> Figs. 4-6 col. 4: 29-33 col. 4: 57-67 col. 5: 1-12</p>	<p>The Web server receives a request for retrieval of data stored in the digital logger.</p> <p><u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:21-28; 15:17-20 (WSNSDE0010348-363).</p>

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28	
retrieving said stored data from said information in accordance with the received request; and		retrieving stored data	This claim phrase has a plain meaning that is clear and does not require construction. <u>Intrinsic evidence:</u> Figs. 4-6 col. 4: 29-33 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28	The Web server retrieves data stored in the digital logger. <u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:21-28; 15:17-20 (WSNSDE0010348-363).
transferring the retrieved data to the client.		transferring the retrieved data	This claim phrase has a plain meaning that is clear and does not require construction. <u>Intrinsic evidence:</u> Figs 4-6 col. 4: 29-33 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36	The Web server sends the data retrieved from the digital logger. <u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:14-28; 15:17-20 (WSNSDE0010348-363).

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
18. The method of claim 17 wherein the step of retrieving stored data comprises accessing call information for a record of a communication channel made by said at least one digital logger .		retrieving stored data	claims 2-6, 16-28 This claim phrase has a plain meaning that is clear and does not require construction. <u>Intrinsic evidence:</u> Figs 4-6 col. 4: 29-33 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28	The Web server retrieves data stored in the digital logger. <u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 4:66-67; 5:5-6; 13:14-28; 15:17-20 (WSNSDE0010348-363).
		record of a communication channel	Stored voice and/or call information received from a communication channel. <u>Intrinsic evidence:</u> col. 1: 40-52 col. 2: 7-16 col. 2: 37-38 col. 3: 1-4 col. 5: 1-12 col. 8: 11-25 col. 9: 18-21 col. 10: 30-41 col. 11: 10-41	Record corresponding to a communication channel. <u>Intrinsic evidence:</u> '920 Patent, 9:19-21; 11:14-19; 11:46-47. (WSNSDE0010348-363).

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
	digital logger	digital logger	col. 13: 7-13 A device, system or software for recording, in digital form, audio data representing multiple concurrent telephone calls. <u>Intrinsic evidence:</u> col. 1: 51-57 col. 5: 1-12 col. 6: 66 - col. 7: 16 '372 Prosecution History, Response, pp. 8-11 (Oct. 2001)	A device, system or software for recording audio in digital form. <u>Intrinsic evidence:</u> '920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-14, 7:38-54, 10:1323, 10: 26-31, 13:3-7, 13:21-28, (WSNSDE0010348-363). '920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).
21. The method of claim 16 wherein the step of retrieving stored data comprises accessing archived data at the Web server corresponding to a record of a communication channel made by said at least one digital logger .		retrieving stored data	This claim phrase has a plain meaning that is clear and does not require construction. <u>Intrinsic evidence:</u> Figs. 4-6 col. 4: 29-33 col. 5: 1-12 col. 10: 66 - col. 11: 41 col. 12: 65 - col. 13: 40 col. 15: 7-36 claims 2-6, 16-28	The Web server retrieves data stored in the digital logger. <u>Intrinsic evidence:</u> '920 Patent, 1:14-17; 13:14-28(WSNSDE0010348-363).
		Web server	A component that provides access	A computer that receives a request

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U.S. PATENT NO. 6,870,920.	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			to information accessible for a computer connected to the Internet or an intranet. <u>Intrinsic evidence:</u> Fig. 6 col. 4: 66-67 col. 5: 1-12 col. 12: 65 - col. 13: 55 col. 15: 7-36	for stored data, retrieves the stored data, and transfers the data over the World Wide Web. <u>Intrinsic evidence:</u> '920 Patent, 4:66-67; 5:1-8, 13:3-39; 15:6-20, 15:30-33 (WSNSDE0010348-63); '372 Patent, 4:51-58, 12:11-43 (WSNSDE0009798-813). '372 Prosecution History, Amendment pg. 13, dated September 24, 2001 (WSNSDE0009690-704); '920 Prosecution History, Notice of Allowability, pg. 2, dated October 4, 2004 (WSNSDE0010330-32).
		record of a communication channel	Stored voice and/or call information received from a communication channel. <u>Intrinsic evidence:</u> col. 1: 40-52 col. 2: 7-16 col. 2: 37-38 col. 3: 1-4	Record corresponding to a communication channel. <u>Intrinsic evidence:</u> '920 Patent, 9:19-21; 11:14-19; 11:46-47 (WSNSDE051297-99).

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U.S. PATENT NO. 6,870,920	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 5: 1-12 col. 8: 11-25 col. 9: 18-21 col. 10: 30-41 col. 11: 10-41 col. 13: 7-13	
	digital logger	digital logger	<p>A device, system or software for recording, in digital form, audio data representing multiple concurrent telephone calls.</p> <p><u>Intrinsic evidence:</u> col. 1: 51-57 col. 5: 1-12 col. 6: 66 - col. 7: 16 '372 Prosecution History, Response, pp. 8-11 (Oct. 2001)</p>	<p>A device, system or software for recording audio in digital form.</p> <p><u>Intrinsic evidence:</u> '920 Patent, FIGs. 1 and 4, 5:1-12, 5:42-60, 6:25-28, 6: 56-57, 5: 7:9-14, 7:38-54, 10:1323, 10: 26-31, 13:3-7, 13:21-28, (WSNSDE0010348-363).</p> <p>'920 Prosecution History, Response to Sept. 17, 2003 Office Action pg. 6, dated February 11, 2004 (WSNSDE0010247-55).</p>

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U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
1. A method for recording at least a portion of one or more sessions, each being between at least a first communication device and a second communication device through a network by a recording device, comprising for each IP data session:				
initiating the data session by said first communication device with said second communication device;				
implementing the data session as a conference call <i>through a conference controller</i> such that said first and second communication devices are connected, respectively, as first and second participants;	conference controller	conference controller	A component that initiates, enables and/or establishes a conference call. <u>Intrinsic evidence:</u> col. 2: 27-32 col. 3: 39-43 col. 5: 9-10 col. 5: 46-52 col. 6: 21-23 col. 6: 59-63	Device that initiates, establishes and enables a conference call. <u>Intrinsic evidence:</u> '109 Patent, 5:6-10; 5:46-52; 6:17-32; 6:58-63 (WSNSDE0010653-67). Prosecution History of U.S. Pat. No. 7,010,106 ('106 Prosecution History), Response to Final, pg. 20-21, dated September 11, 2005 (WSNSDE051234-55).

NOVEMBER 8, 2007 REVISED JOINT CLAIM CONSTRUCTION CHART

U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				'109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 26-27, dated October 6, 2005 (WSNSDE0010597-625).
		through a conference controller	By use of a conference controller. <u>Intrinsic evidence:</u> col. 5: 9-14	The data packet transmissions of the IP data session pass through the conference controller. <u>Intrinsic evidence:</u> '124 Application, pg. 3; (WSNSDE051300-22). '109 Patent, 2:5-12; 2:27-31; 5:2- 10; 5:22-6:2; 6:17-32; 6:58-63 (WSNSDE0010653-67). '106 Prosecution History, Response, pg. 6-7, dated December 19, 2004 (WSNSDE051165-72). '109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 26-27, dated October 6, 2005 (WSNSDE0010597-625).
using the conference controller, selectively entering the <u>recording</u> <u>device</u> to said conference call as an additional		recording device	A device which records IP audio and/or video data. <u>Intrinsic evidence:</u>	Participant to a session that receives data for recording and monitoring and does not require an additional connection or port in the network.

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U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
participant, wherein the recording device is distinct from the first and second communication devices yet receives as the additional participant at least the portion of the <u>IP data session</u> from each of the first and second participants; and			col. 2: 2-8	<u>Intrinsic evidence:</u> '109 Patent, 4:44 – 5:5; 5:32-51; 6:16-45. (WSNSDE0010653-67).
		entering the recording device to said conference call as an additional participant	NICE has provided constructions for “recording device,” “conference call,” and the parties have agreed to a construction for “participant.” The remaining words have a plain meaning that is clear and do not require further construction. <u>Intrinsic evidence:</u> See citations to intrinsic evidence for “recording device” and “conference call.”	Joining the recording device to the conference call as an additional participant after the conference call has been established between the first and second participants. <u>Intrinsic evidence:</u> This is based on the plain language of the claim.
	IP data session		Communication which includes transmission of IP audio and/or video data. <u>Intrinsic evidence:</u> col. 1: 40-41 col. 2: 8-12 col. 3: 15-22	The plurality of data packet transmission between any two or more communication devices. <u>Intrinsic evidence:</u> '109 Patent, col. 1, ll. 38-55; 2:5-12; 3:15-25; 3:36-43; 4:9-16; 4:65-5:5; 5:22-39; 5:53-6:2; 6:11-13;

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U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
			col. 4: 9-24	6:17-32; (WSNSDE0010653-67). Provisional Application No. 60/228,124 (the '124 Application), pg. 3 (WSNSDE051300-22). '106 Prosecution History, Response, pg. 6-7, dated December 19, 2004 (WSNSDE051165-72), Response, pg. 9; dated April 14, 2005 (WSNSDE051208-16), Response to Final, pg. 20-21, dated September 11, 2005 (WSNSDE051234-55). '109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 25-26, dated October 6, 2005. (WSNSDE0010597-625).
	the portion of the IP data session		At least a part of one or more of a plurality of IP data sessions. <u>Intrinsic evidence:</u> col. 3: 23-25 col. 7: 6-7	All the data packets transmitted between the first and second participants during the part of the IP data session being recorded. <u>Intrinsic evidence:</u> '109 Patent, col. 1, ll. 38-55; 2:5-12; 3:15-25; 3:36-43; 4:9-16; 4:65-5:5; 5:22-39; 5:53-6:2; 6:11-13; 6:17-32; (WSNSDE0010653-67).

NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

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U.S. PATENT NO. 7,010,109	NICE'S DISPUTED CLAIM TERMS	WITNESS' DISPUTED CLAIM TERMS	NICE'S PROPOSED CONSTRUCTION	WITNESS' PROPOSED CONSTRUCTION
				Provisional Application No. 60/228,124 (the '124 Application), pg. 3, paragraphs 1 and 2; (WSNSDE051300-22). '106 Prosecution History, Response, pg. 6-7, dated December 19, 2004 (WSNSDE051165-72), Response, pg. 9; dated April 14, 2005; (WSNSDE051208-16), Response to Final, pg. 20-21, dated September 11, 2005; (WSNSDE051234-55). '109 Prosecution History, Amendment Under 37 C.F.R. 1.111, pg. 25-26, dated October 6, 2005. (WSNSDE0010597-625).
recording at least the portion of the IP data session received as the additional participant of said conference call using said recording device.				